

REMARKS

This document relates to issues raised in the examiner's office action mailed 12/27/07. In that office action, all pending claims were rejected by the examiner under 35 U.S.C. § 102 and/or 35 U.S.C. § 103. Primary reference used by the examiner in rejecting the claims are Cannon (US. Pat. Pub. 2002/0183105) and Slomiany (US 6612927).

Claims 1-63 have been cancelled from the application, and new claims 64-114 have been substituted therefore. No new matter has been added. It is to be noted that claims 1-63 have not been canceled for purposes relating to patentability. Rather, claims 64-114 are being substituted for claims 1-63 for purposes of clarification, and in order to present to the examiner a clean set of claims which reflect all of the presently presented claim features.

During a telephonic interview between the undersigned attorney and the examiner on 4-8-2008, the various rejections of the claims were discussed with respect to the present invention and the cited prior art references. A summary of the telephonic interview is presented below. At the conclusion of the telephonic interview, there was general agreement as to the following:

- a) there is a distinction in Slomiany between the start/end of an active gaming session of the multi-stage game of Slomiany, and the start/end of each game played at each stage of the multi-stage game during that particular active gaming session;
- b) each of the different games to be played at each stage of the multi-stage game of Slomiany is known or predetermined before a player begins play of the multi-stage game at a given gaming device;
- c) bets are allowed to be placed on different games associated with different stages of the multi-stage game before a player begins play of the multi-stage game at a given gaming device;
- d) once a player has begun play of a multi-stage game (of Slomiany) at a given gaming device and before the multi-stage game has ended, the player is not given an opportunity to selectively choose and initiate a second gaming session at the gaming device for playing a second game different from the first multi-stage game;
- e) Slomiany does not appear to teach or suggest displaying a game selection menu at the gaming device after advancing from the first stage of the multi-stage game to

the next stage, wherein the displayed game selection menu includes content relating to additional game play opportunities for allowing the first player to selectively choose and initiate a second wager-based game at the gaming device.

SLOMIANY

Selected portions of text from the disclosure of Slomiany are provided below for reference.

(Slomiany 1:55-2:7) (Emphasis Added)

In broad overview, the present invention in one aspect allows the placing of multiple bets on different stages of a game. The game is comprised of a plurality of stages. Each operation of the game begins with the operation of a first stage. Depending on the outcome of the first stage the game may be over, or there may be an operation of a second stage. ... Depending on the outcome of the second stage, the game may be over or there may be an operation of a third stage. This sequence continues until the game ends or until the final (n.sup.th) stage has been operated, at which time the game ends.

(Slomiany 2:28-30)

Embodiments shown herein are generally constructed such that the player specifies at the outset of the game the number of stages or levels to bet on.

(Slomiany 3:35-41) (Emphasis Added)

There is a first stage game of chance upon which a first wager is placed by the player, and at least a second stage game of chance upon which a second wager is placeable. Each stage has a winning/advancement condition and a losing/terminating condition. In the preferred form of the invention, all wagers are placed before play begins at the first stage level.

(Slomiany 7:18-48)

Four different embodiments of the present invention are described herein, with some noted variations in certain cases. The first embodiment is a three stage, multi-line, multi-coin video slot machine. The same game format (slots) with the same paytable is operated on three stages, with increasing payout multipliers at each stage providing an increasing amount to win at the higher stages. The "spin" at each stage is independent of the previous stages.

The second embodiment is a multi-stage Five-Card Stud poker game. Each stage is again independent of the previous stage. However, a separate paytable is used for each stage in this embodiment. A variation of this game is also shown which uses the same paytable on each stage, but combined with a mechanism to increase the "hit" rate.

The third embodiment is a Draw poker game that combines the concepts shown in the Stud poker game with the decisions and optimal play analysis that are integral to Draw poker. The final embodiment is a dice game which has been adapted to provide a high dependency between the first stage and the next stages.

While each of these embodiments uses a single game format, or type, to play from stage to stage, as noted above, it is clearly anticipated that the invention may be used with a first game type as a first stage, with a subsequent stage or stages being of a different game type, e.g., a single line slot stage, then a multi-line slot stage, then a Stud poker stage, etc. Thus, it should be appreciated that similar or different games of chance may be staged together, and the invention is not limited to the types of games shown here, and would encompass any conceivable other game, such as roulette, craps, baccarat, keno, and so on.

It is believed that the teachings of Slomiany may be interpreted as teaching a game which is comprised of a plurality of stages. Each operation of the game begins with the operation of a first stage. Each stage has a winning/advancement condition and a losing/terminating condition. Depending on the outcome of the first stage the game may be over, or there may be an operation of a second stage. Depending on the outcome of the second stage, the game may be over or there may be an operation of a third stage. This sequence continues until the game ends or until the final (nth) stage has been operated, at which time the game ends.

As discussed during the telephonic interview, in this context, it is believed that Slomiany's description of the beginning and ending of "the game" refers to the beginning/ending of a unique gaming session relating to active play of the multi-stage game by a given player at a given gaming device.

Regarding the teachings of Cannon, it is believed that the teachings of Cannon may be interpreted as teaching a gaming device which is configured for mutually concurrent play of a plurality of games of chance on a single display screen. A method of conducting a wagering activity includes providing a player with a plurality of differing games of chance, at least some of which are mutually concurrently playable on a single screen display of a gaming device and enabling mutually concurrent play of the plurality of differing games of chance on the single screen display.

In one embodiment of Cannon, a player is allowed to play a plurality of games (preferably different games) until one game achieves a specific outcome. The game with the specific outcome may then be then "locked up" (i.e., is frozen and unavailable for play) and the player is given a predetermined number of plays (for example, ten) or predetermined time period (for example, two minutes) in which to achieve a specific outcome in at least one of the remaining games.

However, there appears to be no teaching or suggestion in either Slomainy or Cannon of a gaming device which includes the combination of features as recited, for example, in claim 64 of the present application.

As described, for example, on page 1 of the specification, typically, when playing a game on a casino gaming apparatus, the entire gaming apparatus may be disabled when a jackpot or other large payout determination occurs. The player would typically have to wait for an attendant to re-enable or reset the gaming apparatus to allow the player to continue playing a game on that gaming apparatus. This often required the player to remain near the gaming apparatus until the arrival of the attendant, thereby limiting the player's ability to wager on an alternate gaming apparatus. A player typically has to wait by the gaming apparatus until the attendant arrives, fill out papers and receive the payout before the gaming apparatus is reset. Sometimes it can take a relatively long time (e.g., 5-30 minutes) just for the attendant to arrive. Only when the gaming apparatus is reset can the player resume playing games on that gaming apparatus.

While the gaming apparatus would often be disabled when a jackpot was won, other circumstances may also disable the gaming apparatus. Value payouts over a predetermined amount, not necessarily a jackpot, may cause the gaming apparatus to be disabled. This may sometimes be due to casino requirements that an attendant deliver the payout by hand and/or governmental regulations requiring the preparation of tax forms. Cumulative winnings may also disable the gaming apparatus for similar reasons.

To overcome at least some of these issues, at least one embodiment is disclosed for providing a casino gaming apparatus that is capable of allowing a player to continue game play on the gaming apparatus during a lockup of a game on the gaming apparatus. Thus, for example, as defined in claim 64, the gaming device is operable to:

display a first game selection menu including a first portion of content representing at least one first game play opportunity for selectively playing a first wager-based game at the gaming device;

receive first input from a first player relating to selection of a first game to be played at the gaming device;

accept, at the gaming device, a first wager by the first player, said first wager being associated with play of the first game at the gaming device;

initiate a start of a first active gaming session associated with the first game to thereby enable the first player to engage in game play of the first game at the gaming device;

detect an occurrence of a first game lockup event relating to the first active gaming session;

enable, in response to detecting the first game lockup event, a first lockup mode at the gaming device, wherein the first lockup mode is associated with the first active gaming session;

disable, while the first lockup mode is enabled, player wagering capability at the gaming device for receiving wagers relating to the first active gaming session;

provide, during at least a portion of time while the first lockup mode is enabled, at least one second game play opportunity for allowing the first player to selectively play a second wager-based game at the gaming device concurrently while the first lockup mode is enabled;

receive, while the first lockup mode is enabled, second input from a first player relating to selection of a second game to be played at the gaming device;

determine an identity of the second game using the second input from the first player;

accept, at the gaming device and while the first lockup mode is enabled, a second wager by the first player, said second wager being associated with play of the second game at the gaming device;

initiate, while the first lockup mode is enabled, a start of a second active gaming session associated with the identified second game to thereby enable the first player to engage in game play of the second game at the gaming device; and

enable player wagers relating to the second active gaming session to be accepted at the gaming device during at least a portion of time while the first lockup mode is enabled.

As discussed during the telephonic interview, one advantage of the present claimed invention (as defined, for example, in claim 64) is that it provides the ability for allowing a player at a given gaming device to selectively choose and initiate start of a second gaming session for playing a second game at that gaming device concurrently during at least a portion of

time while lockup mode has been enabled for a first game being played at the gaming device. Further, in at least one embodiment, the selection and identification of the second game is not known or predetermined before the player begins play of the first game at a given gaming device. Rather, as defined, for example, in the embodiment of claim 64, the selection of the second game to be played at the gaming device is based, at least in part, upon game selection input received from the player during at least a portion of time while the first lockup mode is enabled at the gaming device. As can readily be appreciated by one having ordinary skill in the art, such functionality provides the player with greater freedoms of game play opportunities and selection at the gaming device, particularly during times when a lockup mode has been enabled at the gaming device (e.g., relating to a first gaming session played at that gaming device)

Independent claims 84, 103, 113 and 114 define at least a portion of features similar to those defined in claim 64, and are therefore believed to be allowable for at least some of the reasons stated above in support of claim 64. Additionally, each of the presently pending dependent claims is also believed to be allowable since it depends upon a respective independent claim.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the prior art of record.

Because claims 64-114 are believed to be allowable in their present form, many of the examiner's rejections in the Office Action have not been addressed in this response. However, applicant respectfully reserves the right to respond to one or more of the examiner's rejections in subsequent amendments should conditions arise warranting such responses.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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